

H.R. 9774, terminating the District of Columbia Plaza Renewal Project, on District Monday. The bill had been on the Union Calendar, and Mr. Dowdy requested unanimous consent that the bill be considered in the House as in the Committee of the Whole. The House agreed to the request.⁽¹³⁾

Private Calendar Bills

§ 4.13 Omnibus private bills are considered under the five-minute rule in the House as in the Committee of the Whole, and the Chair does not recognize for extensions of time.

On Mar. 17, 1936,⁽¹⁴⁾ the House as in the Committee of the Whole was considering for amendment omnibus private bills under the five-minute rule. Speaker Joseph W. Byrns, of Tennessee, refused to recognize a Member for an extension of time:

The time of the gentleman from Minnesota has expired.

MR. [THEODORE] CHRISTIANSON [of Minnesota]: Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

THE SPEAKER: On the previous section of this bill the Chair put a unani-

mous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.⁽¹⁵⁾

§ 5. Question of Consideration

Rule XVI clause 3 provides a method by which the House may protect itself against business that it does not wish to consider:

When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a Member.⁽¹⁶⁾

The question of consideration is raised before debate on the motion or proposition, and since it is not itself debatable, has the effect if not agreed to of preventing all debate on the measure proposed to be considered in the House.⁽¹⁷⁾

15. See § 70, *infra*, for additional ruling on the five-minute rule as applied to private bills.

16. *House Rules and Manual* § 778 (1995). See also §§ 779–781 for raising the question, for the questions subject to the question of consideration, and for the relation of the question to points of order.

17. See § 5.4, *infra*, for the nondebatability of the question and §§ 5.1–5.3, *infra*, for raising the question.

13. See also 115 CONG. REC. 20850, 91st Cong. 1st Sess., July 28, 1969.

14. 80 CONG. REC. 3890, 74th Cong. 2d Sess.

The refusal to consider does not amount to the rejection of a bill or prevent its being brought before the House again,⁽¹⁸⁾ and an affirmative vote does not prevent the question of consideration from being raised on a subsequent day when the bill is again called up as unfinished business.⁽¹⁹⁾ It has once been held that a question of privilege which the House has refused to consider may be brought up again on the same day.⁽²⁰⁾ The question of consideration is not debatable,⁽¹⁾ and thus not subject to the motion to lay on the table.⁽²⁾ It is not in order to reconsider the vote whereby the House refuses to consider a bill,⁽³⁾ although it is in order to reconsider an affirmative vote on the question of consideration.⁽⁴⁾

The question of consideration cannot be raised against certain motions relating to the order of business.⁽⁵⁾ For example, the mo-

tion to resolve into the Committee of the Whole is equivalent to the question of consideration and is therefore not subject to that question.⁽⁶⁾

The question of consideration should be distinguished from points of order against consideration, which may be based on various requirements of House rules and are ruled on by the Chair. A point of order against the eligibility for consideration of a bill which, if sustained, might prevent consideration, should be made and decided before the question of consideration is put,⁽⁷⁾ but if the point relates merely to the manner of considering, it should be passed on afterwards.⁽⁸⁾ In general, after the House has decided to consider, a point of order raised in order to prevent consideration, in whole or part, comes too late.⁽⁹⁾ On a conference report, however, the question of consideration may be demanded before points of order are raised against the substance of the report.⁽¹⁰⁾

Statutes may prescribe specific uses for the question of consider-

18. 5 Hinds' Precedents § 4940.

19. 8 Cannon's Precedents § 2438.

20. 5 Hinds' Precedents § 4942.

1. 8 Cannon's Precedents § 2447.

2. See 140 CONG. REC. p. _____, 103d Cong. 2d Sess., Oct. 4, 1994. See also Rule XXV, which provides that questions relating to the priority of business are not debatable.

3. 5 Hinds' Precedents §§ 5626, 5627.

4. See 140 CONG. REC. p. _____, 103d Cong. 2d Sess., Oct. 4, 1994.

5. See §§ 5.5, 5.6, *infra*.

6. See § 5.6, *infra*.

7. 5 Hinds' Precedents §§ 4950, 4951; 8 Cannon's Precedents § 2439, discussed in the note to § 5.12, *infra*.

8. 5 Hinds' Precedents § 4950.

9. 4 Hinds' Precedents § 4598; 5 Hinds' Precedents §§ 4952, 6912-6914.

10. See § 5.12, *infra*. See also 8 Cannon's Precedents § 2439.

ation. For example, the Unfunded Mandates Reform Act of 1995⁽¹¹⁾ added a new part B to title IV of the Congressional Budget Act of 1974⁽¹²⁾ imposing several requirements on committees with respect to “federal mandates.”⁽¹³⁾ The provisions establish points of order to enforce those requirements,⁽¹⁴⁾ and preclude the consideration of a rule or order waiving such points of order in the House.⁽¹⁵⁾ The statute prescribes that such points of order be disposed of by putting the question of consideration with respect to the proposition against which they are lodged.⁽¹⁶⁾

Forms

Form of putting the question of consideration.

MEMBER: Mr. Speaker, I raise the question of consideration.

THE SPEAKER: The gentleman raises the question of consideration. The question is, Will the House now consider it? As many as favor. . . .⁽¹⁷⁾

Cross References

Methods of closing debate in the House, see § 72, *infra*.

11. Pub. L. 104–4; 109 Stat. 48 et seq.

12. 2 USC § 658.

13. Sections 423, 424; 2 USC §§ 658b, c.

14. 2 USC § 658d.

15. 2 USC § 658e(a).

16. 2 USC § 658e(b).

17. Cannon’s Procedure in the House of Representatives 141, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

Motion to postpone consideration, see Ch. 23, *supra*.

Points of order, see Ch. 31, *infra*.

When Question of Consideration May Be Raised

§ 5.1 The question of consideration may not be raised against a resolution until the resolution is fully reported.

On Dec. 13, 1932,⁽¹⁸⁾ Mr. Louis T. McFadden, of Pennsylvania, arose to a question of “constitutional privilege” and offered a resolution to impeach President Hoover for high crimes and misdemeanors.

Mr. William H. Stafford, of Wisconsin, interrupted the reading of the resolution to state a parliamentary inquiry which was answered by Speaker John N. Garner, of Texas:

MR. STAFFORD: Is it in order to raise the question of consideration at this time?

THE SPEAKER: Not until the resolution is read.

The Clerk concluded the reading of the resolution.

The House agreed to a motion to lay the resolution on the table.

On June 1, 1934,⁽¹⁹⁾ a report was called up from the Committee

18. 76 CONG. REC. 399–402, 72d Cong. 2d Sess.

19. 78 CONG. REC. 10239–41, 73d Cong. 2d Sess.

on Rules. Mr. Carl E. Mapes, of Michigan, interrupted the reading of the accompanying resolution to make the point of order that a two-thirds vote was required for the consideration of the resolution on the same day reported. Speaker Henry T. Rainey, of Illinois, sustained a point of order that the question of consideration could not be raised until the resolution was read in full:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I raise the point of order that the reading of the resolution should be concluded before any point of order can be made against it.

THE SPEAKER: The point of order of the gentleman from Alabama [Mr. Bankhead] is sustained. The Clerk will conclude the reading of the resolution.

§ 5.2 Resolutions of inquiry are subject to the question of consideration, but it is too late to raise such question after the motion to table has been made.

On Feb. 7, 1939,⁽²⁰⁾ Mr. Sol Bloom, of New York, presented a privileged report from the Committee on Foreign Affairs adversely reporting a resolution of inquiry (H. Res. 78) directed to the Secretary of State. Following the reading of the report, Mr. Bloom moved that the resolution

be laid on the table. Mr. Hamilton Fish, Jr., of New York, then arose to a question of consideration, and Speaker William B. Bankhead, of Alabama, ruled that the question came too late, the motion to table having been made.

§ 5.3 During the Calendar Wednesday call of committees the question of consideration on a bill called up by a committee is properly raised after the Clerk reads the title of the bill and before the House resolves itself into the Committee of the Whole.

On Apr. 14, 1937,⁽¹⁾ the question of consideration against a bill called up by a committee under the Calendar Wednesday procedure was raised as follows:

MR. [CLARENCE F.] LEA [of California] (when the Committee on Interstate and Foreign Commerce was called): Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H.R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U.S.C., title 49, sec. 4).

The Clerk read the title of the bill.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I raise the question of consideration.

THE SPEAKER:⁽²⁾ The gentleman from North Carolina raises the ques-

20. 84 CONG. REC. 1181, 1182, 76th Cong. 1st Sess.

1. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

2. William B. Bankhead (Ala.).

tion of consideration of the bill. The question is, Will the House consider the bill H.R. 1668. . . .

The question was taken; and there were—yeas 278, nays 97, answered “present” 1, not voting 54, as follows: . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The House automatically resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill.

On May 4, 1960,⁽³⁾ Speaker Sam Rayburn, of Texas, responded as follows to parliamentary inquiries on the proper raising of the question of consideration against a bill called up under the Calendar Wednesday procedure:

The Chair will state to the gentleman from Indiana and to the House that when we reach the point of approving the Journal, the Chair will then order a call of the committees; and when the Committee on Banking and Currency is recognized and the gentleman from Kentucky [Mr. Spence] presents his bill, when the title of the bill is read the House automatically resolves itself into the Committee of the Whole. . . .

MR. [JAMES C.] DAVIS of Georgia: The Chair has just stated—I believe I understood it this way—that when the bill is called up by the chairman of the Committee on Banking and Currency and the title is read the House automatically resolves itself into the Committee of the Whole.

3. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

THE SPEAKER: That is the rule.

MR. DAVIS of Georgia: But the motion raising the question must come before the title of the bill is read.

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: Sir?

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: There would still be time enough for it before the House automatically goes into the Committee of the Whole.

THE SPEAKER: That is correct.

Debate

§ 5.4 The question of consideration is not debatable.

On June 1, 1934,⁽⁴⁾ Mr. William B. Bankhead, of Alabama, moved for the immediate consideration of House Resolution 410, reported by the Committee on Rules on the same day reported and making in order during the remainder of the session motions to suspend the rules and waiving certain other rules during the remainder of the session.

When the yeas and nays were ordered on the question of consideration of the resolution, Mr. Clarence J. McLeod, of Michigan, made a point of order against the roll call:

I make the point of order that this roll call is not in order, because there has not been a chance to even explain the resolution under consideration.

4. 78 CONG. REC. 10239, 10240, 73d Cong. 2d Sess.

Speaker Henry T. Rainey, of Illinois, ruled:

The Chair will state that the question of consideration is not debatable.

Parliamentarian's Note: This precedent involved the automatic question of consideration on Rules Committee resolutions called up the same day reported, under clause 4(b) of Rule XI. The question of consideration if offered on other matters is likewise not debatable (see 8 Cannon's Precedents §2447).

Matters Subject to Question of Consideration—Motions Relating to Order of Business

§ 5.5 The question of consideration cannot be raised against certain motions relating to the order of business.

It is well established that the question of consideration may not be raised against a motion to resolve into Committee of the Whole.⁽⁵⁾ Moreover, it has been held that the question of consideration is not in order against a motion to discharge a committee, the Chair citing as a general principle that the question of consideration may not be raised on a motion relating to the order of business.⁽⁶⁾

5. See § 5.6, *infra*.

6. See 5 Hinds' Precedents § 4977.

The question of consideration is also not in order against a motion to lay on the table the motion to reconsider the vote by which the House has passed a bill.⁽⁷⁾

—Motion To Resolve Into Committee of the Whole as Sufficient Expression of Will of House

§ 5.6 The question of consideration may not be raised against a motion to resolve into the Committee of the Whole since the House expresses its will concerning consideration by voting on the motion.

On May 21, 1958,⁽⁸⁾ Speaker Sam Rayburn, of Texas, ruled that the question of consideration could not be raised against the motion to resolve into the Committee of the Whole for the consideration of a bill, the motion to resolve being itself a test of the will of the House on consideration:

MR. [HOWARD W.] SMITH of Virginia:
May I submit a parliamentary inquiry, Mr. Speaker?

7. See 5 Hinds' Precedents § 4972.

8. 104 CONG. REC. 9216, 9217, 85th Cong. 2d Sess. See also 5 Hinds' Precedents §§ 51 and 4973–4976; 8 Cannon's Precedents § 2442.

As to the effect of adoption of a special rule on points of order, see §§ 2.13–2.16, *supra*.

THE SPEAKER: The gentleman may.

MR. SMITH of Virginia: Under what circumstances can the question of consideration be raised?

THE SPEAKER: The Chair tried to say a moment ago that it cannot be raised against the motion to go into the Committee of the Whole, because that is tantamount to consideration, and the House will have an opportunity to vote on that motion.

MR. SMITH of Virginia: In other words, if we demand a vote on that question, then that will be tantamount to raising the question of consideration?

THE SPEAKER: That is correct.

Parliamentarian's Note: It should be noted that a point of order that a bill was reported from committee in the absence of a quorum is in order pending a vote on the motion that the House resolve itself into the Committee of the Whole for the consideration of the bill, where the bill is being considered pursuant to a Committee on Rules resolution which does not waive that point of order.⁽⁹⁾ A motion to suspend the rules, however, suspends all rules in conflict with the motion and precludes the point of order that a bill was reported from committee in the absence of a quorum.⁽¹⁰⁾

Consideration of Resolution From Rules Committee on Same Day Reported

§ 5.7 A resolution from the Committee on Rules may be

9. See § 2.16, *supra*.

10. See §§ 2.7, 2.8, *supra*.

considered on the same day as reported if the question of consideration is supported by two-thirds of the Members present and voting, a quorum being present.

On Nov. 14, 1975,⁽¹¹⁾ a resolution from the Committee on Rules was reported, providing that upon the adoption of the resolution it would be in order to take a Senate bill from the Speaker's table and consider it in the House. Following the adoption of the resolution making the consideration of the Senate bill in order, the Member calling up the Senate bill was recognized for one hour:

MR. [RICHARD] BOLLING [of Missouri], from the Committee on Rules, reported the following privileged resolution (H. Res. 866, Rept. No. 94-666), which was referred to the House Calendar and ordered to be printed.

H. RES. 866

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill S. 2667, to extend the Emergency Petroleum Allocation Act of 1973, and to consider said bill in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

THE SPEAKER:⁽¹²⁾ The Clerk will report the resolution.

11. 121 CONG. REC. 36638, 36641, 94th Cong. 1st Sess.

12. Carl Albert (Okla.).

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 866?

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair is certain that a quorum is present. The Chair will count.

Two hundred and forty-one Members are present, a quorum.

MR. ROUSSELOT: Mr. Speaker, I demand a division.

On a division (demanded by Mr. Rousselot) there were—yeas 171, noes 14.

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 866.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, pursuant to House Resolution 866, I call up the Senate bill (S. 2667) and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2667

A BILL TO EXTEND THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out each date specified therein and inserting in lieu thereof in each case "December 15, 1975". . . .

MR. STAGGERS: Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

§ 5.8 Under Rule XI clause 4(b), it is in order to call up a privileged report from the Committee on Rules relating to the order of business on the same day reported if consideration is granted by a two-thirds vote, and a point of order that the report has not been printed does not lie.

On Feb. 2, 1977,⁽¹³⁾ the following proceedings occurred in the House:

Mr. [James J.] Delaney [of New York], from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 95-6),

13. 123 CONG. REC. 3344, 3349, 95th Cong. 1st Sess.

which was referred to the House Calendar and ordered to be printed: . . .

MR. DELANEY: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

THE SPEAKER:⁽¹⁴⁾ The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 231? . . .

MR. [W. HENSEN] MOORE [of Louisiana]: Mr. Speaker, I make the point of order that the resolution has not been printed.

MR. DELANEY: Mr. Speaker, if the gentleman will yield, this is merely to consider taking up the rule.

MR. MOORE: Mr. Speaker, I would like to make the point of order that I believe under this rule we are waiving all points of order; is that not correct?

MR. DELANEY: Mr. Speaker, if the gentleman will yield further, that matter will be taken up at the proper time. This is merely for consideration, at this particular time, of House Resolution 231.

THE SPEAKER: The Chair will state that the point of order of the gentleman from Louisiana (Mr. Moore) is not well taken and is therefore overruled.

There is no requirement that this resolution be printed before it can be called up, although the Chair ordered the resolution printed when it was filed and referred to the House Calendar.

The question is, Will the House now consider House Resolution 231?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 231.

THE SPEAKER: The gentleman from New York (Mr. Delaney) is recognized for 1 hour. . . .

MR. DELANEY: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. MOORE: Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the resolution was agreed to.

House Automatically Resolves Into Committee of the Whole After Vote To Consider Bill on Calendar Wednesday

§ 5.9 The question of consideration being decided in the affirmative, when raised against a bill on the Union Calendar called up under the Calendar Wednesday rule, the House automatically resolves itself into the Committee of the Whole.

On May 4, 1960,⁽¹⁵⁾ the question of consideration was raised against a bill called up by

15. 106 CONG. REC. 9417, 9418, 86th Cong. 2d Sess.

14. Thomas P. O'Neill, Jr. (Mass.).

the Committee on Banking and Currency under the Calendar Wednesday procedure. The bill had been on the Union Calendar. When the House voted to consider the bill, Speaker Sam Rayburn, of Texas, directed the House to automatically resolve itself into the Committee of the Whole for the consideration of the bill.⁽¹⁶⁾

Second Question of Consideration on Same Bill on Calendar Wednesday

§ 5.10 A second question of consideration was voted on the same day on the same bill on Calendar Wednesday (after the Committee of the Whole rose and the House refused to adjourn).

On Feb. 22, 1950,⁽¹⁷⁾ the question of consideration was raised against H.R. 4453, the Federal Fair Employment Practice Act, called up under the Calendar Wednesday rule by the Committee on Education and Labor. When the question was decided in the affirmative, the House automatically resolved into the Committee of the Whole for the consideration of the bill.

After intervening debate, the Committee voted to rise without

having agreed to the bill. Mr. Howard W. Smith, of Virginia, moved that the House adjourn, which was defeated by the yeas and nays. The Committee on Education and Labor again called up the bill and Mr. Smith raised the question of consideration against the bill. The House affirmatively decided the second question of consideration and the House resolved again into the Committee of the Whole.

Motion To Adjourn Not in Order After Vote To Consider Bill on Calendar Wednesday

§ 5.11 A motion to adjourn is not in order after the House has voted to consider a proposition brought up under the Calendar Wednesday rule and before the House has resolved into Committee of the Whole.

On Apr. 14, 1937,⁽¹⁸⁾ the Clerk called the roll of committees for reporting propositions under the Calendar Wednesday rule. At the direction of the Committee on Interstate and Foreign Commerce, Mr. Clarence F. Lea, of California, called up H.R. 1668, to amend the Interstate Commerce Act. Mr. Alfred L. Bulwinkle, of North Caro-

16. See also 75 CONG. REC. 2815, 72d Cong. 1st Sess., Jan. 27, 1932.

17. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

18. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

lina, raised the question of consideration, and the House by the yeas and nays voted to consider the bill.

Speaker William B. Bankhead, of Alabama, directed the House to automatically resolve itself into the Committee of the Whole for the consideration of the bill. Mr. John E. Rankin, of Mississippi, moved that the House adjourn, and the Speaker ruled "The Chair cannot entertain that motion at this time."

Question of Consideration Raised Against Conference Report Before Points of Order

§ 5.12 The question of consideration may be raised against a conference report before the Chair entertains points of order against the report.

On Sept. 28, 1976,⁽¹⁹⁾ a demand for the question of consideration resulting in the ordering of consideration of a conference report, points of order were next entertained, as indicated below:

THE SPEAKER:⁽²⁰⁾ The unfinished business is the further consideration of the conference report on the Senate bill S. 521, which the Clerk will report by title.

The Clerk read the title of the Senate bill.

19. 122 CONG. REC. 33018, 33019, 94th Cong. 2d Sess.

20. Carl Albert (Okla.).

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I demand the question of consideration.

THE SPEAKER: The question is, Will the House now consider the conference report on the Senate bill S. 521.

The question was taken; and the Speaker announced that the yeas appeared to have it.

MR. FISH: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

So consideration of the conference report was ordered. . . .

MR. FISH: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FISH: Mr. Speaker, my parliamentary inquiry is as to whether my reserved points of order are in order at this time?

THE SPEAKER: The Chair will state that they are.

MR. FISH: Mr. Speaker, I make a point of order against the conference report on grounds that it has been reported in violation of rule XXVIII, clause 6, which requires that conference meetings be open to the public except when ordered closed by rollcall vote in open session. . . .

THE SPEAKER: The Chair is prepared to rule.

The gentleman from New York has made a point of order directed against conference procedure alleging a violation of clause 6, rule XXVIII.

The gentleman's point of order is that the form of the conference report does not conform to his understanding as to which motion was agreed to by the House conferees. The gentleman

contends that there was [presumably a subsequent] meeting of the conferees which was closed and unannounced.

The chief manager of the conference report has reported that in a meeting of the conferees which was open to the public, pursuant to the provisions of clause 6, rule XXVIII, a proper motion was made to agree to an amendment in the nature of a substitute for the House amendment to the Senate bill, and the signatures of a majority of the conferees of both Houses reflecting this agreement appear on the conference report.

The Chair does not feel that a violation of conference rules has been shown, and the Chair overrules the point of order.

Parliamentarian's Note: The issue as to which comes first on a conference report, the question of consideration or a point of order, is discussed in 8 Cannon's Precedents §2439, wherein Speaker Clark ruled that the question of consideration should be put first on the grounds that it was useless to argue points of order if the House wasn't going to consider the report. Conflicting precedents which stand for the proposition that points of order should be decided before the question of consideration is raised involved circumstances in which the point of order was directed not to the substance of the report or proposition but to the issue whether the matter was privileged to come up for consideration in the first instance.

In 5 Hinds' Precedents §4950, the issue was whether a bill called up under the morning hour call of committees was eligible as a bill properly on the House Calendar, and in 5 Hinds' Precedents §4951, the issue was whether a resolution could be presented as a question of privilege. But since a conference report is privileged for consideration under Rule XXVIII, the threshold question is not presented and the question of consideration should come before points of order against the substance of the report.

§ 6. Questions Not Subject to Debate

The relevant standing rule and the precedents relating to each motion or question must be consulted in order to determine whether debate thereon is allowable.⁽¹⁾ Thus, the motion to go into Committee of the Whole is not de-

1. See Cannon's Procedure in the House of Representatives 148, 149, H. Doc. No. 122, 86th Cong. 1st Sess. (1959) for a list of nondebatable questions arranged in the order of their frequency. The list is not exclusive; see, for example, Rule I clause 1, *House Rules and Manual* §621 (1995) (1971 amendment to the rule providing for a nondebatable motion that the Journal be read in full).